

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GENE KOHUT,
as Trustee of the Bankruptcy Estate of
ROGER LONG, Debtor,

Plaintiff,

Case No. 12-11170

v.

CREDIT ACCEPTANCE CORPORATION and
DOE REPOSSESSION COMPANY,

Hon. John Corbett O'Meara

Defendants.

ORDER OF PARTIAL DISMISSAL

On March 16, 2012, Plaintiff filed his complaint alleging the following counts: Count I, Fair Debt Collection Practices Act; Count II, Michigan Occupational Code; Count III, common law conversion; Count IV, statutory conversion; Count V, Motor Vehicle Sales Finance Act; Count VI, Credit Reform Act; and Count VII, Uniform Commercial Code. Plaintiff does not allege diversity jurisdiction. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion and because the state claims predominate. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II-VII of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: April 11, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, April 11, 2012, using the ECF system.

s/William Barkholz

Case Manager